

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALOYSIOUS WELLS,

Defendant.

CR-12-100-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 13, 2021. (Doc. 112.) Aloysious Wells (Wells) filed an objection on January 25, 2021. (Doc. 113.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on January 12, 2021. (Doc. 110.) The United States accused Wells of violating his conditions of supervised release by 1) by using methamphetamine; 2) by failing to report for sex offender treatment; 3) by failing to successfully complete his sex offender treatment

program; and 4) by taking a Tramadol pill for which he did not have a prescription. (Doc. 107.) At the revocation hearing, Wells admitted to violating the conditions of his supervised release 1) by using methamphetamine; 2) by failing to report for sex offender treatment; and 3) by taking a Tramadol pill for which he did not have a prescription. The government failed to satisfy its burden of proof with respect to alleged violation 3, failing to successfully complete his sex offender treatment program. Judge Johnston found the violations Wells admitted are serious and warrant revocation of Wells' supervised release. Judge Johnston recommended Wells should be incarcerated for 4 months, with 106 months of supervised release to follow with the first 60 days of supervised release in a secure inpatient drug treatment facility. (Doc. 110.)

Wells now opposes Judge Johnston's Findings and Recommendations, objecting to the 4 months sentence as well as the 106 months of supervised release that Judge Johnston recommended. (Doc. 113.)

The Court conducted a revocation hearing on February 17, 2021. (Doc. 115.) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations in part. Wells' violations of his conditions represent a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Wells' supervised release and commit Wells to the custody of the Bureau of Prisons for 4

months. (Doc.112 at 4.) Judge Johnston further has recommended a term of 106 months of supervised release follow with the first 60 days spent in a secure inpatient drug treatment facility. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 112) are DENIED IN PART and ADOPTED IN PART.

IT IS FURTHER ORDERED that Defendant ALOYSIOUS WELLS be sentenced to custody of the Bureau of Prisons for a term of 4 months, with 98 months of supervised release to follow. ALOYSIOUS WELLS will enroll in and complete a drug treatment program at Crystal Creek Lodge as recommended by the U.S. Probation Office.

DATED this 17th day of February, 2021.



Brian Morris, Chief District Judge
United States District Court

